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8 Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 OAKLAND DIVISION

13 UNITED STATES OF AMERICA,) No. CR 09-00070 SBA
14 Plaintiff,) STIPULATION AND ORDER
15 v.) CONTINUING STATUS CONFERENCE
16 JEROME TOY SINCLAIR,) AND EXCLUDING TIME
17 Defendant.)
18

19 Plaintiff, by and through its attorney of record, and defendant, by and through his
20 attorney of record, hereby stipulate and ask the Court to find as follows:

21 1. A status conference in this matter is currently scheduled for 9 a.m. on Tuesday,
22 January 12, 2010.

23 2. The parties request that this hearing be continued until 9 a.m. on Tuesday,
24 February 9, 2010, in order to provide defendant's counsel with additional time to evaluate the
25 evidence in this case and determine whether or not defendant should enter a change of plea or
26 file motions and to prepare for trial in this matter.

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28
STIPULATION AND ORDER RESCHEDULING
HEARING; EXCLUDING TIME

1 3. Specifically, defendant's counsel needs the continuance in order to review
2 discovery with defendant, particularly additional discovery to be produced by the government
3 regarding laboratory results, investigate the case, and develop a motions and/or trial strategy in
4 light of the discovery. In addition, counsel for defendant and the government require additional
5 time to meet and confer with respect to the production of discovery regarding the informant in
6 this case so that defendant's counsel can determine whether or not to file a motion to compel
7 informant-related discovery. The parties believe that failure to grant the above-requested
8 continuance would deny defendant's counsel and defendant the reasonable time necessary for
9 effective preparation taking into account the exercise of due diligence and that the ends of justice
10 served by continuing the case as requested outweigh the interest of the public and defendant in a
11 trial within the date prescribed by the Speedy Trial Act.

12 4. Thus, the parties respectfully request that the Court find that the time period from
13 January 12, 2010, to February 9, 2010, is excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A),
14 (B)(iv) because it results from a continuance granted by the Court at the defendant's request and
15 on the basis of the Court's finding that the ends of justice served by taking such action outweigh
16 the best interest of the public and the defendant in a speedy trial and because failure to grant the
17 continuance would unreasonably deny defense counsel the time necessary for effective
18 preparation for trial, taking into account due diligence.

19 IT IS SO STIPULATED.

JOSEPH P. RUSSONIELLO
United States Attorney

22 || Dated: January 11, 2010

/s/
GARTH HIRE
Assistant United States Attorney

Attorney for United States of America

25 || Dated: January 11, 2010

/s/
JOYCE LEAVITT

Attorney for Defendant
Jerome Toy Sinclair

ORDER

FOR GOOD CAUSE SHOWN, IT IS SO FOUND AND ORDERED THAT:

1. The currently scheduled January 12, 2010, status conference hearing is vacated.

A status conference hearing is now scheduled for 9:00 a.m. on February 9, 2010.

2. The time period from January 12, 2010, to February 9, 2010, is deemed
admissible pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (B)(iv) because it results from a continuance
granted by the Court at the defendant's request and on the basis of the Court's finding that the
ends of justice served by taking such action outweigh the best interest of the public and the
defendant in a speedy trial and because failure to grant the continuance would unreasonably deny
the defense counsel the time necessary for effective preparation for trial, as set forth above, taking
account due diligence.

DATED: 1/11/10

HONORABLE SAUNDRA BROWN ARMSTRONG
UNITED STATES DISTRICT JUDGE